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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,045	07/30/2003	Edward Lynn Triplett	2002-0830.02/4670-162	7064

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LEXMARK INTERNATIONAL, INC.
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EXAMINER	
NGUYEN, ANTHONY H	
ART UNIT	PAPER NUMBER
2854	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/630,045	TRIPPLETT ET AL.	
	Examiner	Art Unit	
	Anthony H. Nguyen	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 October 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 19-23 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10, 12-14 and 24-35 is/are rejected.
- 7) Claim(s) 11 and 15-18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/30/2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Applicant's election with traverse of Group I, claims 1-18 and 30-35 in the reply filed on October 10, 2006 is acknowledged. The traversal is on the ground(s) that claims 24-29 should be included with the elected invention since the claims are directed to an image forming apparatus with a removable media tray.

This is found persuasive.

Accordingly, claims 19-23 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 12 and 13 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kanda et al. (US 6,148,172) in view of Barton (US 5,932,313).

With respect to claims 1 and 2, Kanda et al. teaches an image forming apparatus 3 having a removable media tray which includes a housing 4A which contains a primary media stack of media sheets, a pick mechanism to pick and move the media sheet via a pick-up roller 51 via a driving means (not shown, Kanda et al., col.13, lines 24 and 25) to an exit port (shown

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at 571A and 572A). Kanda et al. does not clearly teach the pick mechanism drive assembly within the housing to actuate the pick mechanism. Barton teaches a removable tray 10 having a pick mechanism 18-22 which includes a motor 20 and a drive train 21 as shown in Fig.1 of Barton. In view of the teaching of Barton, it would have been obvious to one of ordinary skill in the art to modify the removable tray of Kanda et al. by providing the pick mechanism as taught by Barton for more compact in design an image forming apparatus. With respect to claim 12, the use of a large-capacity media sheet supply containing media sheet having a sheet feeding path to an exit port via a removable tray is well known in the art. With respect to claim 13, Fig. 5 of Kanda et al. shows a sensor (S1A) which detects a leading edge or the present of a media sheet.

Claims 3-5 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kanda et al. in view of Barton as applied to claims 1,2, 12 and 13 above, and further in view of Dutton et al. (US 5,758,249).

Kanda et al. and Barton teaches all that is claimed, except the connector disposed to form electrical contact with a corresponding connector when the removable tray is inserted in the image forming apparatus. Dutton et al. teaches the conventional connector and corresponding connector 33 (shown in Figs.1 and 3) which are coupled to the removable trays 1,3, 5, 43 and 45 when the trays are connected together. In view of the teaching of Dutton, it would have been obvious to one of ordinary skill in the art to modify the removable tray of Kanda et al. and Barton by providing the conventional connector and corresponding connector as taught by Dutton for the advantage of providing separated desired tray with a selected medium for printing in an image forming apparatus during printing operation.

Claims 6-10 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kanda et al. in view of Barton as applied to claims 1,2, 12 and 13 above, and further in view of Otake et al. (US 5,327,207).

With respect to claims 6 and 7, Kanda et al. and Barton teaches all that is claimed, except the multi-purpose tray which receives media sheets. Otake et al. teaches an image forming apparatus 100 having a cassette or a removable media tray 70, a media exit port 18 and the first and second pick mechanisms 14. The tray 70 includes a first media sheet stack area and a multi-purpose tray which can receive two kinds of sheets of Legal or Letter that are fed through the exit port. With respect to claims 8 and 9, see the discussion regard to claims 1 and 2 above. With respect to claim 10, the use of one-way clutch to restrict the motion of the pick mechanisms to forward direction is conventional. For example, see Kanda et al., col.18 lines 47-55.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14,24-28, 30, 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Otake et al. (US 5,327,207).

With respect to claims 14, 24-28, 33 and 35, Otake et al. teaches an image forming apparatus 100 having a cassette or a removable media tray 70, a media exit port 18 and the first and second pick mechanisms 14. The tray 70 includes a first media sheet stack area which are horizontally aligned position with a second media sheet stack area via the controlling plates 33 and 34 (Otake et al., Fig.1 and col.5, second paragraph). Note that one of the stack area is a multi-purpose tray since it can be contained two kinds of sheets of Legal or Letter, and the sheets are fed through the exit port. With respect to claim 30, Otake et al. clearly teach the steps

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of picking a media sheet from the first and second media sources (Otake et al., col.6, lines 3-14), and the steps of inserting, removing and replacing the media tray are inherently operating steps or the image forming on a sheet cannot be performed.

Claim 29, 31,32 and 34 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Otake et al. (US 5,327,207) in view of Barton (US 5,932,313).

With respect to claims 29 and 34, Otake et al. teaches an image forming apparatus having substantially the structure as recited except the motor which is coupled to the first and second pick mechanisms. Barton teaches a removable tray 10 having a pick mechanism 18-22 which includes a motor 20 and a drive train 21 as shown in Fig.1 of Barton. In view of the teaching of Barton, it would have been obvious to one of ordinary skill in the art to modify the removable tray of Otake et al. by providing the motor which is coupled to the pick mechanism as taught by Barton for more compact in design an image forming apparatus. With respect to claim 31, Fig.1 of Otake et al. shows a plurality of the removable trays 70 or units and the broad provision of a plurality of a single element taught by the prior art has long been held to be an obvious expedient.

Allowable Subject Matter

As presently advised it appears that claims 11 and 15-18 avoid the prior art but are objected to as depending from the rejected claims. These claims if properly rewritten in independent form and would be allowable.

The following is a statement of reasons for the indication of allowable subject matter:

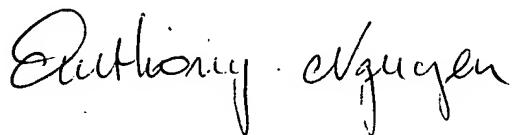
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The prior art of record does not teach the removable media tray comprising a duplex return path guide operative to receive a media sheet from a duplex return path and direct the media sheet to the exit port (claim 11).

The prior art of record does not teach the removable media tray having a pick mechanism drive assembly within the tray housing operative to actuate both the first and second pick mechanisms (claim 15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen, can be reached on (571) 272-2258. The fax phone number for this Group is (571) 273-8300.



Anthony Nguyen
12/13/2006
Patent Examiner
Technology Center 2800